

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

ELDRIDGE ROOSEVELT MEEKS, III,

Plaintiff,

Civil Action No. 4:20-cv-00029

v.

THE CITY OF DANVILLE

and

**JACOB AMOS, LARRY DWAYNE LAND,
JOHN PULLEY, JONATHAN EPPS,
TODD HAWKINS AND WILLIAM SHIVELY,**

in their individual capacities,

and

JOHN DOES 1 – 10,

Defendants.

DEFENDANTS' PLEA IN BAR

COME NOW DEFENDANTS, the City of Danville, Officer Jacob Amos, Officer Larry Dwayne Land, Officer John Pulley, Officer Jonathan Epps, Officer Todd Hawkins, Officer William Shively, and John Does 1 – 10, by counsel, and move the Court to dismiss the Plaintiff's Complaint in whole or in part on the grounds more fully set forth in the accompanying brief, namely that (1) the Plaintiff has failed to comply with the statutory notice provision of Virginia Code §15.2-209, and, thus, certain state tort claims are barred in whole or in part, and (2) the Plaintiff's claims as set forth in the Plaintiff's Complaint are barred in whole or in part by the doctrines of Sovereign Immunity and/or Qualified Immunity.

WHEREFORE, these Defendants respectfully request that the Plaintiff's state law tort claims as set forth in the Complaint be dismissed in whole or in part, and that the Plaintiff's claims that constitute allegations of simple negligence be likewise dismissed.

CITY OF DANVILLE

JACOB AMOS

LARRY DWAYNE LAND

JOHN PULLEY

JONATHAN EPPS

TODD HAWKINS

WILLIAM SHIVELY

and

JOHN DOES 1-10

By Counsel

Counsel:

/s/ James A. L. Daniel

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CERTIFICATE OF COUNSEL

I hereby certify that on this 18th day of June, 2020 I electronically filed the foregoing Defendants' Plea in Bar with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel for Plaintiff, M. Paul Valois, Esq., James River Legal Associates, 7601 Timberlake Road, Lynchburg, Virginia 24502.

/s/ James A. L. Daniel

James A. L. Daniel